

## Officer History

**Officer Name:** Granshaw, Michael

**Tax ID:** 928412

**Sex:** M

**Shield:** 02514

**Race:** White

**Rank:** DT2

**Command:** 331

**DOB:** [REDACTED]

**Appt Date:** 07/02/2001

**Age:** [REDACTED]

**Tenure:** 19

CCRB #	Report Date	Incident Date	Allegation	Disposition	NYPD Disposition	NYPD Penalty	Command
200505226	05/13/2005	04/22/2005	Abuse - Search (of person)	Unsubstantiated			107
200611232	08/23/2006	08/23/2006	Abuse - Search (of person)	Substantiated (Charges)	Command Discipline - A	Command Discipline - A	541
	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			541
	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			541
	08/23/2006	08/23/2006	Abuse - Vehicle search	Substantiated (Charges)	Command Discipline - A	Command Discipline - A	541
200711548	08/13/2007	08/10/2007	Force - Physical force	Unsubstantiated			541
	08/13/2007	08/10/2007	Discourtesy - Word	Unsubstantiated			541
200800803	01/16/2008	01/07/2008	Abuse - Refusal to obtain medical treatment	Unsubstantiated			541
<b>Total Charges = 8</b>				<b>Total Cases = 4</b>			

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: [REDACTED] Morril	Team: Team # 5	CCRB Case #: 200611232	<input checked="" type="checkbox"/> Force <input type="checkbox"/> Discourt. <input type="checkbox"/> U.S. <input checked="" type="checkbox"/> Abuse <input type="checkbox"/> O.L. <input type="checkbox"/> Injury
Incident Date(s) Wed, 08/23/2006 4:30 PM	Location of Incident: in front of [REDACTED]	Precinct: [REDACTED]	S.O.L. Expires: 02/23/2008
Date/Time CV Reported Wed, 08/23/2006 6:08 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Wed, 08/23/2006 6:08 PM

Complainant/Victim	Type	Home Address
1. [REDACTED]	Comp/Witness	[REDACTED] Woodhaven NY 11421
2. [REDACTED]	Victim	[REDACTED] Woodhaven NY 11421
3. [REDACTED]	Victim	[REDACTED] Woodhaven NY 11421

Witness(es)	Home Address
1. [REDACTED]	74-25 85th Road 3 Woodhaven NY 11421

Subject Officer(s)	Shield	TaxID	Command
1. POM Michael Granshaw	11665	928412	NARCBQN
2. SGT [REDACTED]	[REDACTED]	[REDACTED]	NARCBQN
3. An officer			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. DT3 [REDACTED]	[REDACTED]	[REDACTED]	NARCBQN
2. DT3 [REDACTED]	[REDACTED]	[REDACTED]	NARCBQN
3. DT3 [REDACTED]	[REDACTED]	[REDACTED]	NARCBQN
4. POM [REDACTED]	[REDACTED]	[REDACTED]	NARCBQN
5. DT3 [REDACTED]	[REDACTED]	[REDACTED]	NARCBQN

Officer(s)	Allegation	Investigator Recommendation
A . SGT [REDACTED]	Abuse of Authority: Sergeant [REDACTED] authorized the stop of the car in which [REDACTED] and [REDACTED] were occupants.	A . Substantiated
B . SGT [REDACTED]	Force: Sergeant [REDACTED] pointed his gun at [REDACTED]	B . Exonerated
C . POM Michael Granshaw	Force: Police Officer Michael Granshaw pointed his gun at [REDACTED]	C . Exonerated
D . An officer	Abuse of Authority: An officer frisked [REDACTED]	D . Exonerated
E . POM Michael Granshaw	Abuse of Authority: Police Officer Michael Granshaw frisked [REDACTED]	E . Exonerated
F . POM Michael Granshaw	Abuse of Authority: Police Officer Michael Granshaw searched [REDACTED]	F . Substantiated
G . POM Michael Granshaw	Abuse of Authority: Police Officer Michael Granshaw searched the car in which [REDACTED] and [REDACTED] were occupants.	G . Substantiated
H . SGT [REDACTED]	Abuse of Authority: Sergeant [REDACTED] authorized the search of the car in which [REDACTED] and [REDACTED] were occupants.	H . Substantiated

Officer(s)	Allegation	Investigator Recommendation
I. SGT [REDACTED] [REDACTED]	Other: Sergeant [REDACTED] [REDACTED] failed to prepare a stop and frisk report as required.	I. Other Misconduct

### Synopsis

On August 23, 2006, [REDACTED] and [REDACTED] drove their vehicle in front of their home at 74-25 85<sup>th</sup> Road in Queens. As [REDACTED] and [REDACTED] were about to park their vehicle, Sergeant [REDACTED] of Queens Narcotics (who has since been promoted to the rank of lieutenant and transferred to PSA1) stopped it, believing that he had observed them engaging in a narcotics transaction minutes earlier on Jamaica Avenue (**allegation A**). Sgt. [REDACTED] admitted that prior to stopping the vehicle, he only observed [REDACTED] and [REDACTED] engage in a verbal interaction with the unidentified occupants of another vehicle. Sgt. [REDACTED] never saw money or narcotics exchanged. [REDACTED] and [REDACTED] denied that any such interaction occurred. Sgt. [REDACTED] and Police Officer Michael Granshaw approached the vehicle with their guns pointed at [REDACTED] and [REDACTED] respectively (**allegations B and C**). Officer Granshaw and Sgt. [REDACTED] ordered [REDACTED] and [REDACTED] to exit the vehicle. An unidentified officer frisked [REDACTED] (**allegation D**), and Officer Granshaw frisked [REDACTED] and then pulled on the elastic of his shorts to search for narcotics (**allegations E and F**). Officer Granshaw entered the unoccupied vehicle to remove the vehicle's registration and at the same time searched inside the glove compartment and center consoles (**allegation G**). Sgt. [REDACTED] later authorized a more extensive search of the vehicle (**allegation H**). Sgt. [REDACTED] did not ensure that a stop and frisk report was completed regarding the frisks of [REDACTED] and [REDACTED] (**allegation I**).

Based on New York State search and seizure law, this investigation determined that Sgt. [REDACTED] did not have reasonable suspicion to stop the car in which [REDACTED] and [REDACTED] were occupants. It is therefore recommended that **allegation A** be closed as **substantiated**. Based on New York State court decisions, which grant officers leeway to approach drug suspects with their guns pointed and to frisk such suspects, this investigation determined that Sgt. [REDACTED] and Officer Granshaw were justified in pointing their guns at [REDACTED] and [REDACTED]. Based on the same precedents, this investigation determined that the frisks of [REDACTED] and [REDACTED] were justified. It is therefore recommended that **allegations B, C, D, and E** be closed as **exonerated**. As Officer Granshaw conducted a search of [REDACTED] person by pulling on the elastic of his shorts and this search was not warranted given the circumstances, it is recommended that **allegation F** be closed as **substantiated**. Based on New York search and seizure law, this investigation determined that Officer Granshaw did not have probable cause to search the vehicle and Sgt. [REDACTED] did have probable cause to authorize a more extensive vehicle search. It is therefore recommended that **allegations G and H** be closed as **substantiated**. As Sgt. [REDACTED] did not ensure that a stop and frisk report was completed as required, it is recommended that **other misconduct** be noted for **allegation I**.

### Summary of Complaint

[REDACTED] filed a complaint with the CCRB's call processing system in Spanish on August 23, 2006 (encl. 8). Ms. [REDACTED] a 47-year-old Hispanic female and a self-employed real estate investor, was interviewed at the CCRB on September 14, 2006 in English with brief portions in Spanish (encl. 9). Her statements were consistent with each other.

Ms. [REDACTED] testified that on August 23, 2006, at approximately 4:30 p.m., in front of her home at 74-25 85<sup>th</sup> Road in Queens, she looked outside the window and saw approximately ten police officers dressed in civilian clothes. The officers had arrived in approximately three unmarked vans. Ms. [REDACTED] had heard a commotion before looking outside. One of the officers—identified by investigation as Sgt. [REDACTED]—had his gun pointed at her son, [REDACTED] who was seated in the passenger seat of his vehicle. Ms. [REDACTED] did not know the name of Sgt. [REDACTED] (who was since been promoted to the rank of lieutenant) but described him as a 38-year-old black male, who was 6'0" with a muscular build and a large tattoo extending the length of his left forearm. Ms. [REDACTED] stated that a second unidentified officer had his gun pointed at [REDACTED]. Ms. [REDACTED] described this second officer as a black male, who was 5'6" with a medium build and 45-years-old. Her second son [REDACTED] was seated in the driver's seat of the vehicle and no one pointed a gun at him. Ms. [REDACTED] started banging on the window of her home and then ran outside. Ms. [REDACTED] asked one of the officers what was happening but the officers just told her to "shut up" and wouldn't let her approach her sons. The officers told [REDACTED] and [REDACTED] to exit their vehicle. Ms. [REDACTED] saw one of the officers pat down [REDACTED] but she did not remember which

officer did so and could not see if he searched inside of his pockets, because the other officers were telling her to go back inside of her home. (The officer who frisked [REDACTED] was not identified by this investigation). An officer—identified by investigation as Officer Michael Granshaw—patted down [REDACTED]. Ms. [REDACTED] did not know Officer Granshaw's name and described him only as a white male, who was dressed in a New York Yankees T-shirt. Officer Granshaw then searched the trunk and underneath the front and back seats of the car and inside a bag of tacos that her sons had purchased for lunch. Officer Granshaw asked [REDACTED] for the keys to the car and [REDACTED] told him where they were located, but Officer Granshaw never asked for permission to conduct this search or announced his intention. Ms. [REDACTED] saw Officer Granshaw go inside of all four doors of the car and called out to the other officers, "They're clean! They're clean!" The officers never asked for ID from [REDACTED] or from Ms. [REDACTED]. One of the officers asked [REDACTED] for his driver's license and the car's registration and accused him of driving a stolen vehicle. Ms. [REDACTED] never saw the officers take [REDACTED] driver's license back to their van. Sgt. [REDACTED] told Ms. [REDACTED] that her sons had been selling marijuana and that there had been a third person inside of the car. Sgt. [REDACTED] claimed to have been following them for twenty minutes. Ms. [REDACTED] knew that this allegation was false, because she had been with her sons all day and all morning doing remodeling work in their home. Ms. [REDACTED] said that her sons did not have any cash with them and only had her ATM card to buy some tacos at a nearby restaurant. Her sons left the home at approximately 4:20 p.m. and returned 10 to 15 minutes later. Ms. [REDACTED] asked Sgt. [REDACTED] for a description of the third male in the hopes that she could identify him. Sgt. [REDACTED] did not say his name but told her that the third male was Hispanic with a white T-shirt, who exited the vehicle and made a [REDACTED] call. Sgt. [REDACTED] told Ms. [REDACTED] that her sons were doing drugs and that she was "lucky" that they didn't find any drugs on her sons. Ms. [REDACTED] tenant of two years [REDACTED] who lives in apartment 3 of her building, witnessed this entire incident and was standing on the street with Ms. [REDACTED]. Ms. [REDACTED] had called Mr. [REDACTED] and told him to come outside, because she did not know what the officers were doing and wanted him to wait with her. Ms. [REDACTED] believed that her sons were stopped because they are Hispanic.

#### **Results of Investigation**

[REDACTED] [REDACTED] a 20-year-old Hispanic male and third year student at La Guardia Community College in Long Island City, was interviewed at the CCRB on September 14, 2006 (encl. 10). [REDACTED] [REDACTED] stated that on August 23, 2006, when he parked his blue Honda Civic with Florida license plates in front of his home at 74-25 85<sup>th</sup> Road in Queens, an unmarked police car pulled up behind him but never sounded its siren. The first two officers to approach [REDACTED] [REDACTED] car exited a silver 4-door SUV Dodge Durango. Within one minute, three to four unmarked mini-vans (one of which was green) arrived. An officer—identified by investigation as Officer Granshaw—approached [REDACTED] [REDACTED] in the driver's seat and told him to remove the key from the ignition of his car and exit the vehicle. [REDACTED] [REDACTED] did not know Officer Granshaw's name but described him as a 30-year-old white male, who was 5'10" with a muscular build and light blond or brown hair. Officer Granshaw was the driver of the Durango and dressed in a New York Yankees T-shirt. Officer Granshaw never had his gun removed from his holster. An officer—identified as Sgt. [REDACTED] approached [REDACTED] [REDACTED] in the passenger seat of the car with his gun pointed at him. [REDACTED] [REDACTED] described Sgt. [REDACTED] as a 35-year-old black male, who was 6'0" with a medium build. Sgt. [REDACTED] was the second passenger of the Durango and his gun was all silver. Sgt. [REDACTED] told [REDACTED] [REDACTED] to drop everything that he had in his hands and then removed the money and debit card that [REDACTED] [REDACTED] was carrying and put them in the back seat of the car. Sgt. [REDACTED] then told [REDACTED] [REDACTED] to exit the vehicle. [REDACTED] [REDACTED] was already standing outside of the vehicle when [REDACTED] [REDACTED] exited. Officer Granshaw told [REDACTED] [REDACTED] to lean against his vehicle and patted down his entire body. [REDACTED] [REDACTED] was wearing athletic shorts without pockets and a pair of sandals, but Officer Granshaw pulled on the elastic of the shorts to see if he had anything stuffed inside his shorts. Officer Granshaw never stuck his hands inside of the shorts. Sgt. [REDACTED] was frisking [REDACTED] [REDACTED] at the same time, but [REDACTED] [REDACTED] could not see this frisk occurring and did not know if Sgt. [REDACTED] searched inside of [REDACTED] [REDACTED] pockets.

Officer Granshaw asked [REDACTED] [REDACTED] for his driver's license, which he provided. [REDACTED] [REDACTED] did not know if the officers asked [REDACTED] [REDACTED] for his ID. Officer Granshaw then asked [REDACTED] [REDACTED] where his vehicle registration was located and [REDACTED] [REDACTED] told him that it was inside the glove compartment of his vehicle. Without saying anything else, Officer Granshaw went over to the car and removed the registration from the

glove compartment and walked back to the Durango with the license and registration. Sgt. [REDACTED] asked [REDACTED] and [REDACTED] where the third person in the car had gone. [REDACTED] told the officers that he did not know what they were talking about and explained to them that he had just gone to buy food. Sgt. [REDACTED] claimed that this third male had exited the vehicle while [REDACTED] was leaving the bank. Sgt. [REDACTED] never said this man's name but described him as a Hispanic male with a white T-shirt. Sgt. [REDACTED] said that the officers had been following [REDACTED] and [REDACTED] for twenty minutes and claimed that he had received a complaint of people in a blue car acting suspiciously. At his CCRB interview, [REDACTED] denied that there was ever a third person in the car or that he or his brother had purchased or sold drugs. [REDACTED] explained that he left his home on 85<sup>th</sup> Road at approximately 4:00 p.m. and drove to a taco restaurant on Jamaica Avenue at Forrest Park Drive. From 85<sup>th</sup> Road, [REDACTED] turned left at a stop sign and then right at the next stop sign. At Jamaica Avenue, [REDACTED] turned left and then drove straight. [REDACTED] never exited the vehicle. [REDACTED] exited the vehicle at a bank to withdraw money and then walked next door to the taco restaurant to buy lunch. [REDACTED] and [REDACTED] were away from their home for approximately 25 minutes total and did not notice anyone following him home from the restaurant.

After having been searched, [REDACTED] and [REDACTED] were told to stand by the trunk of their car with their hands on the hood. Two unidentified officers exited minivans and started to search inside [REDACTED] car without ever asking for permission. [REDACTED] described one of these officers a 30-year-old black male, who was 5'8" with a medium build, but he could only identify the second officer as being a male. [REDACTED] saw the unidentified black male officer search inside a center compartment and the back pockets of the seat. One of the officers searched under the seats and inside a sneaker box, but [REDACTED] could not remember which officer did so. The unidentified male officer exited one of the vans (but [REDACTED] could not see if he was in a passenger or driver's seat) and asked [REDACTED] for permission to search his trunk by saying, "Let me open the trunk?" [REDACTED] responded "OK" and handed the keys over. [REDACTED] explained that he consented to the search his trunk because he believed that he was "supposed" to allow him to do so. Officer Granshaw and Sgt. [REDACTED] were standing with [REDACTED] and [REDACTED] and questioning them and did not search the car. When Sgt. [REDACTED] left he said to [REDACTED] "You got lucky today, but we'll catch you next time." There were about five to six officers total at the scene with two white male officers and three to four black male officers. [REDACTED] could identify Officer Granshaw and Sgt. [REDACTED] from their photographs but not the other officers.

[REDACTED] [REDACTED]  
[REDACTED] [REDACTED] an 18-year-old Hispanic male and second year student at La Guardia Community College, was interviewed at the CCRB on September 14, 2006 (encl. 11). [REDACTED] CCRB testimony was consistent with that of [REDACTED] with only exceptions noted below.

[REDACTED] testified that after he and [REDACTED] arrived back home from buying tacos, Officer Granshaw approached the driver's side of the car. Sgt. [REDACTED] approached the passenger side of the vehicle with his gun pointed at [REDACTED]. Officer Granshaw and Sgt. [REDACTED] arrived in a burgundy or wine-colored van, but [REDACTED] did not know the color of the other two vans that arrived. Officer Granshaw and Sgt. [REDACTED] were both identified by investigation and [REDACTED] did not know their names. He described Officer Granshaw as a 5'8" white male with a muscular build, who was in his late twenties. [REDACTED] described Sgt. [REDACTED] as a 6'0" black male with a medium build, who was in his late thirties with a chrome-colored gun that may have had a brown handle. Officer Granshaw patted down [REDACTED] entire body, but [REDACTED] could not see whether or not Officer Granshaw searched inside of [REDACTED] two pockets, because the car blocked him. While Officer Granshaw was frisking [REDACTED] [REDACTED] exited the vehicle and an unidentified officer came over from another van and frisked [REDACTED]. [REDACTED] did not get a good look at this officer and could only describe him as a black male with a skinny build. [REDACTED] said that he would not be able to recognize this officer from a photograph, but he could recognize Officer Granshaw and Sgt. [REDACTED]. [REDACTED] was wearing basketball shorts without pockets and a black T-shirt and did not have any items on his person.

Once [REDACTED] and [REDACTED] had exited the car and had been frisked, Officer Granshaw asked [REDACTED] for the car's registration. [REDACTED] told him that the registration was inside the glove compartment of the car, and Officer Granshaw went into the car and removed it. Officer Granshaw showed

the other officers that the registration and license matched each other, but none of the officers ever took the license or registration back to the police car. While Officer Granshaw was looking for the registration, he searched inside a closed compartment where the cup holders are located in the front area of the car. The keys to the car were laying on the trunk of the vehicle, and a unidentified white male officer approached, took the keys, and asked [REDACTED] [REDACTED] if he could search the trunk of the car by saying, "Is it OK if I search the trunk of the car?" [REDACTED] [REDACTED] told him that he could do so. [REDACTED] [REDACTED] described this officer as a white male, who was 5'10," 200 pounds with a stocky build, late thirties in age, and had spiky dark black hair. The white male officer searched inside the trunk of the car but did not look inside any other part of the car. Inside the trunk there were a few beach chairs, an umbrella, a book bag with a gas mask and a spoon. The white male officer removed the book bag and opened it without asking for permission. [REDACTED] [REDACTED] did not see any officer aside for the unidentified white male officer and Officer Granshaw searching inside the car. No officer ever searched inside the bag of food inside the car. The officer repeatedly asked [REDACTED] and [REDACTED] [REDACTED] what they had been doing on Jamaica Avenue. [REDACTED] [REDACTED] said that the officers provided two different explanations. First, they said that they had been watching [REDACTED] and [REDACTED] [REDACTED] for 20 minutes and that they saw a third person exit their vehicle at the bank and make a [REDACTED] call. Second, the officers said that they had received a complaint and started following [REDACTED] and [REDACTED] [REDACTED] at that point. Sgt. [REDACTED] was doing most of the talking. As the officers were leaving, Sgt. [REDACTED] told [REDACTED] and [REDACTED] [REDACTED] that they were "lucky" that they hadn't been caught. [REDACTED] [REDACTED] later learned from a friend who lived down the block, that police officers in a van had pulled over a car one block south of 85<sup>th</sup> Road, on 85<sup>th</sup> Drive (see map, encl. 7d), and arrested three males inside a car. [REDACTED] and [REDACTED] [REDACTED] learned about this arrest about two hours after their encounter with the officers. They spent one hour trying to calm down their mother and then spoke with their friends one hour after that, who told them that the arrest had occurred one hour prior.

[REDACTED] [REDACTED]  
The CCRB obtained a [REDACTED] statement from [REDACTED] [REDACTED] a 23-year-old Hispanic male, on September 28, 2006 (encl. 12). Mr. [REDACTED] said that he was only outside for five to ten minutes, after his landlord, Ms. [REDACTED] called him because her sons had been pulled over by police officers. When Mr. [REDACTED] arrived outside, [REDACTED] and [REDACTED] [REDACTED] were standing outside of their car. Mr. [REDACTED] never saw any of the officers with their guns drawn and said that he never saw any of the officers touch either [REDACTED] or [REDACTED] [REDACTED] but rather the officers told them to empty out their pockets. Two officers searched the front and back seat of the car, but Mr. [REDACTED] did not see them search the trunk. Mr. [REDACTED] couldn't describe these two officers except to say that one was a white male and one was a black male. Mr. [REDACTED] heard the officers asking [REDACTED] and [REDACTED] [REDACTED] questions about a third person who had supposedly been inside of the car. There were about eight officers total present in a total of one Jeep and two minivans, one of which was red.

## **POLICE OFFICER INTERVIEWS**

### ***Police Officer Michael Granshaw (Queens Narcotics)*** Subject Officer

#### **Arrest Reports**

In arrest reports for the four people who were arrested after the vehicle stop of [REDACTED] and [REDACTED] [REDACTED] Officer Granshaw wrote that Lamar Rodriguez, Clive [REDACTED] Dinesh Singh, and Ashley Irizarry were "in possession of a quantity of controlled substance and marijuana open to public view." All four were charged with fifth-degree criminal possession of a controlled substance and fifth-degree possession of marijuana (encl. 14).

#### **CCRB Statements**

Police Officer Michael Granshaw was interviewed at the CCRB on November 2, 2006 (encl. 15). Officer Granshaw, a 26-year-old white male, is 5'8" and 190 pounds. On August 23, 2006, Officer Granshaw was assigned to patrol for Queens Narcotics with Sgt. [REDACTED] [REDACTED] and Det. [REDACTED] [REDACTED] dressed in plainclothes, and assigned as the driver of an unmarked Dodge Durango SUV. Officer Granshaw's memo book reflects that at 4:00 p.m., he responded to the vicinity of the 102<sup>nd</sup> Precinct for a buy and bust operation and conducted a car stop at 4:50 p.m. at 85<sup>th</sup> Drive and 75<sup>th</sup> Street. At 5:00 p.m., four people were arrested (encl. 13).

Officer Granshaw stated that at approximately 4:20 p.m. on August 23, 2006, he saw two males ([REDACTED] and Denis [REDACTED] at 85<sup>th</sup> Street and Jamaica Avenue, speaking on a [REDACTED] and picking it up and then

talking on their cell [REDACTED]. A buy and bust operation had not yet commenced and the other officers in the field team were nearby, but Officer Granshaw did not know exactly where. [REDACTED] and [REDACTED] went back and forth between the two sets of [REDACTED] multiple times and then got into their vehicle. Officer Granshaw had not seen [REDACTED] and [REDACTED] when they first arrived at the location and said that he had been driving up and down Jamaica Avenue. He said that he observes people who use [REDACTED] because most people using [REDACTED] order narcotics and wait for them. There was never a complaint or radio run made about [REDACTED] and [REDACTED]. Officer Granshaw never observed [REDACTED] and [REDACTED] enter any stores in the ten minutes that he observed them. From across the street on the northwest side of Jamaica Avenue, Officer Granshaw saw a black Crown Victoria pull up to [REDACTED] and Denis [REDACTED] car on the south side of Jamaica Avenue about fifty feet from the patrol car. Officer Granshaw saw [REDACTED] or [REDACTED] hand money to an occupant of the Crown Victoria and take an unknown object in exchange. Officer Granshaw never saw anyone else enter into [REDACTED] and [REDACTED] vehicle. The black Crown Victoria took off, and Officer Granshaw followed [REDACTED] and [REDACTED] into a residential neighborhood. Officer Granshaw placed a police light in the front window of the vehicle and signaled for them to pull over. He was also sounding the horn of the vehicle, which did not have a police siren, because it was a rental. The driver ([REDACTED]) did not pull over and kept making turns. Eventually he stopped in front of what turned out to be his home, but he had passed by his home at least three times before stopping there. Officer Granshaw made a radio transmission for the other officers to respond as well. Officer Granshaw said that Sgt. [REDACTED] directed him to follow the vehicle and to initiate the vehicle stop. The passenger ([REDACTED]) appeared to place an unknown object onto the floor of his vehicle. The officers did not know what the item was, so they removed their guns for their safety, and approached the occupants. Officer Granshaw said that he removed his black .9mm Glock as soon as he exited the patrol car. He then walked towards the passenger side of the stopped vehicle with his gun pointed at the occupant (Officer Granshaw actually approached the driver's side and pointed his gun at [REDACTED]). Sgt. [REDACTED] approached the driver's side of the vehicle, and Det. [REDACTED] remained behind the vehicle. Officer Granshaw immediately ordered the occupants of the vehicle to exit the car, and they complied. [REDACTED] and [REDACTED] were compliant and respectful throughout the incident, but their mother saw the officers from a window inside her home and came running outside and was yelling at the officers. All of the officers were asking her to calm down, but Officer Granshaw did not know if anyone in particular was speaking with her.

Officer Granshaw frisked [REDACTED] to ensure his safety. Officer Granshaw did not see any specific indication that [REDACTED] had a weapon, except for a bulge in his front pocket. Officer Granshaw asked [REDACTED] what the item was, and [REDACTED] replied that it was his wallet. Officer Granshaw frisked him to ensure that the item was not a weapon and that he did not have any weapons. Officer Granshaw said that [REDACTED] was wearing sweatpants, and he did not search inside of his pockets. Officer Granshaw said that he made the decision on his own to conduct this frisk and was not directed to do so by Sgt. [REDACTED]. Officer Granshaw confirmed that the item in question was in fact a wallet. Officer Granshaw requested [REDACTED] ID, and [REDACTED] removed it from his wallet. Either Det. [REDACTED] or Sgt. [REDACTED] frisked [REDACTED]. Officer Granshaw did not recall if he or the other officers asked for the registration of the vehicle but said that they may have just looked at the registration affixed to the windshield. From the photographs of [REDACTED] and [REDACTED] taken at the CCRB, Officer Granshaw did not specifically recognize either, but said that he remembered the incident and remembered frisking the passenger of the vehicle. The officers asked [REDACTED] and [REDACTED] what they had been doing, and they responded that they had purchased food from a restaurant. Officer Granshaw looked into the car from outside the passenger door and saw a bag of food. The officers asked them why they had passed by their home, and they responded that they were scared. [REDACTED] and [REDACTED] had left the doors to the vehicle open when they exited, but Officer Granshaw never went inside the vehicle and looked from outside only for anything in "plain view." Officer Granshaw said that no officers, including himself, searched the glove compartment, trunk, or any part of the vehicle. No officer ever asked for permission to search the vehicle. Officer Granshaw did not complete any paperwork in regards to this incident, and did not know if any officers completed a stop, question, and frisk report. As the officers did not have any cause to further detain them, they drove away. As they were driving (from 85<sup>th</sup> Road to 85<sup>th</sup> Drive), they spotted the black Crown Victoria and initiated a vehicle stop. When the officers approached the Crown Victoria, they saw a vial of marijuana in the front ashtray and later found 20 bags of marijuana in the backseat. All four occupants of this vehicle were placed under arrest. The occupants of this vehicle did not say anything about [REDACTED] and [REDACTED].



**Sergeant [REDACTED] [REDACTED] (Queens Narcotics) Subject Officer**

Sgt. [REDACTED] [REDACTED] was interviewed at the CCRB on November 29, 2006 (encl. 16). Sgt. [REDACTED] a 37-year-old black male, is 5'11" and 215 pounds. Sgt. [REDACTED] stated that he has a tattoo on his right arm. On August 23, 2006, Sgt. [REDACTED] worked from 1:00 p.m. until 9:00 p.m. as the supervisor of a Queens Narcotics team with Det. [REDACTED] and Officer Granshaw in a black Dodge Durango and was dressed in plainclothes. Sgt. [REDACTED] does not maintain a memo book or daily activity report and said that it is the responsibility of the officer assigned as the "arresting officer" to maintain a record of all significant occurrences. Since the date of this incident, Sgt. [REDACTED] has been promoted from the rank of sergeant to lieutenant and transferred to PSA1, where he is assigned as the integrity control officer. (He is referred to as Sgt. [REDACTED] his rank at the time of this incident). Sgt. [REDACTED] testified that on August 23, 2006, he was conducting observations on Jamaica Avenue, when one unidentified male exited the vehicle in which [REDACTED] and [REDACTED] [REDACTED] were occupants from the rear. The officers were not watching one individual in particular until they saw the unidentified male exit the vehicle. This man was using his cell [REDACTED] and a pay [REDACTED] simultaneously and walking back and forth along the block and looking around, an indication that he was waiting to purchase narcotics. Sgt. [REDACTED] stated that this location has a high incidence of drug-related crimes and that it is the area that his team often concentrates on. A few minutes after this unidentified male made several [REDACTED] calls, a Crown Victoria pulled up and there was an "interaction" between the occupants of the Crown Victoria and [REDACTED] and [REDACTED] [REDACTED]. Sgt. [REDACTED] could not hear the extent of the verbal exchange between the occupants of the two vehicles but saw their lips moving. Sgt. [REDACTED] did not see any money or other items exchanged between the occupants of the two vehicles and Officer Granshaw and Det. [REDACTED] did not indicate to him that they had observed anything else. Sgt. [REDACTED] stated, "We all saw the same thing." Sgt. [REDACTED] stated that Crown Victorias are very popular vehicles for installing narcotics traps and that he has had made five or six arrests regarding traps within a Crown Victoria. Sgt. [REDACTED] stated that Crown Victorias in the area of this incident "usually" have narcotics traps. Sgt. [REDACTED] described these traps as "very crude" and said that they are usually located in the left vent area of the car and operated with mechanical devices within the car, such as the window controls or locks.

The Crown Victoria drove away after having stopped for only about one minute total. The officers were waiting for the unidentified male to get back into [REDACTED] and [REDACTED] [REDACTED] car, but instead he walked down Jamaica Avenue and started to speak with some other people. [REDACTED] and [REDACTED] [REDACTED] started to drive away, and the officers followed them and believed that they would pick up the unidentified male. Officer Granshaw was operating the vehicle and Sgt. [REDACTED] was seated in the front passenger seat with Det. [REDACTED] in the back. [REDACTED] and [REDACTED] [REDACTED] were driving up and down the block and around in circles and repeatedly passing by the same location. Eventually, Sgt. [REDACTED] believes that [REDACTED] and [REDACTED] [REDACTED] became aware that they were being followed by police officers and started to "drive with a purpose." While they were following the car, Officer Granshaw stated to Sgt. [REDACTED] that he observed the passenger ([REDACTED] [REDACTED]) "doing something with the center console," although Sgt. [REDACTED] did not observe this interaction as well, because he was focused on something else. Sgt. [REDACTED] did not recall Officer Granshaw's exact words with regards to the console but stated that it was something to the effect that they were "messing around" with it. Sgt. [REDACTED] instructed Officer Granshaw to conduct the vehicle stop. The officers exited the patrol car with their guns drawn. Sgt. [REDACTED] said that the decision to draw his gun was based on Officer Granshaw's observations and that it was a "high-intensity" car stop in which his intention was not just to issue a traffic summons. Oftentimes in narcotics car stops the occupants of the vehicle are found to have guns. Sgt. [REDACTED] approached the passenger side of the car with his silver Smith and Wesson gun pointed at a 45-degree angle towards the ground. Sgt. [REDACTED] said that his gun was not pointed at the passenger ([REDACTED] [REDACTED]) because [REDACTED] [REDACTED] was compliant with his orders to display his hands. It was, therefore, not necessary to raise his gun and point it at [REDACTED] [REDACTED]. Sgt. [REDACTED] instructed the occupants of the vehicle to exit. Ms. [REDACTED] observed what was happening from the balcony of her home and started yelling at the officers. [REDACTED] [REDACTED] was frisked, but Sgt. [REDACTED] was not certain if he or one of the detectives conducted this frisk, but he believed that Officer Granshaw frisked [REDACTED] [REDACTED]. Officer Granshaw and Det. [REDACTED] both had their weapons drawn but not pointed. The officers did not search inside the pockets of [REDACTED] and [REDACTED] [REDACTED] because Sgt. [REDACTED] was mainly concerned that they might have a gun due to Officer Granshaw's observation.

At this point, the other members of the field team arrived. They had originally been parked away from Jamaica Avenue but in the same general vicinity, because they were assigned to minivans, which is commonly known to be used by police officers, while the Dodge Durango is more rarely used. Officer Granshaw and likely Det. [REDACTED] searched the interior of the vehicle, including under the seats, in the glove compartment, and the center console. There was no reason to search any other part of the car or the trunk, because the officers had visual contact with the vehicle throughout the pursuit and never saw anyone go into the trunk or place anything into the trunk. No officer asked for consent to search the trunk. When asked to provide his reason for searching the vehicle, Sgt. [REDACTED] stated that his reason for authorizing the search of the vehicle was based mainly on Officer Granshaw's observation regarding the center console. In addition, Sgt. [REDACTED] observed a "faint smell of marijuana," although he stated that he could not state that [REDACTED] and [REDACTED] had recently been smoking marijuana in the car. Sgt. [REDACTED] first observed the smell of marijuana when the doors to the vehicle were opened and the occupants exited. The odor was not coming from any particular location within the car but was rather a "general" odor. Sgt. [REDACTED] suspected that there might be narcotics or a weapon in the center console based on the "totality of circumstances" regarding Sgt. [REDACTED] prior observations of the incident, including the interaction between the Crown Victoria and [REDACTED] and [REDACTED]. Sgt. [REDACTED] believed that the occupants of the Crown Victoria had given narcotics to [REDACTED] and [REDACTED]. No contraband was located inside the vehicle, and Sgt. [REDACTED] did not view the vehicle's registration and did not know if any other officer did so. Sgt. [REDACTED] could not describe his exact conversation with Officer Granshaw and Det. [REDACTED] regarding the search of the vehicle, but he stated that he "definitely authorized" and instructed them to conduct the search. Sgt. [REDACTED] spoke with Ms. [REDACTED] and explained that he had observed three people in the car. [REDACTED] and [REDACTED] denied that there had been three people in the car, but Sgt. [REDACTED] told them that he had seen this person exit the vehicle. Ms. [REDACTED] asked Sgt. [REDACTED] about the third person, and he described this person "to a T," at which point Ms. [REDACTED] did not say another word—an indication to Sgt. [REDACTED] that Ms. [REDACTED] knew who he was talking about and what reputation he must have had. [REDACTED] said to [REDACTED] "You will never drive my car again." At his CCRB interview, Sgt. [REDACTED] described this individual as a Hispanic male with a short-cropped haircut and dressed in a white T-shirt, but at the time of the incident he remembered additional details. When the officers drove away, they observed the Crown Victoria in the general area at an unknown location and stopped it. Upon approaching it, they observed marijuana in the car and placed the occupants into custody. Sgt. [REDACTED] did not recall how many occupants were inside the Crown Victoria or their general descriptions. Sgt. [REDACTED] did not complete any paper work in regards to this incident or any stop, question, or frisk reports, because the incident was a car stop and such reports are not completed for car stops. Sgt. [REDACTED] stated that the frisk of [REDACTED] and [REDACTED] was conducted "during" the car stop and not afterwards, such as when the vehicle had been parked, and therefore, a stop, question, and frisk report was not required.

***Detective [REDACTED] (Queens Narcotics) Witness Officer***

Detective [REDACTED] was interviewed at the CCRB on December 28, 2006 (encl. 18). Det. [REDACTED] a 39-year-old white male, is 6'1" and 260 pounds. On August 23, 2006, Det. [REDACTED] worked from 10:27 a.m. until 7:00 p.m. with Sgt. [REDACTED] and Officer Granshaw, was dressed in plainclothes, and assigned to an unmarked vehicle for the Queens Narcotics apprehension team. Det. [REDACTED] did not have any memo book entries regarding this incident (encl. 17). Det. [REDACTED] testified that on August 23, 2006, he observed a hand-to-hand narcotics transaction at an unknown location on Jamaica Avenue and the officers stopped one of the vehicles involved. Det. [REDACTED] stated that at least two and maybe four occupants were placed under arrest for exchanging narcotics for US currency. Beyond this description, Det. [REDACTED] stated that he did not have any independent recollection of this incident, as he was not the arresting officer and there was no unusual activity. Det. [REDACTED] did not personally witness this exchange but was informed about it by Officer Granshaw, who was sitting in the front driver's seat of the Dodge Durango. Det. [REDACTED] was seated in the rear passenger seat and Sgt. [REDACTED] was in the front passenger seat. Det. [REDACTED] said that he did not observe any aspect of the transaction and did not notice any of the people who were engaged in the transaction until their vehicle was stopped. Det. [REDACTED] did not know if these people had received or sold the narcotics at issue and did not know what kind of car they were driving. Det. [REDACTED] did not know what happened to the other party involved in the transaction. Det. [REDACTED] had no independent recollection of where the vehicle stop occurred and did not remember stopping more than one vehicle. Det. [REDACTED] viewed photographs of [REDACTED] and [REDACTED] and [REDACTED] but said that he did not recognize any of them. Det. [REDACTED] did not remember exiting the patrol car with his gun drawn. Det. [REDACTED] said that he knows that he did not

search any person or vehicle on this date, because he would have remembered doing so and made a memo book to that effect and completed a stop, question, and frisk report. Det. [REDACTED] said that he remembered that people were searched and the car was searched, but he could not recall who did what or any of the details. Det. [REDACTED] did not remember if any drugs were recovered from the car. From looking at the CCRB allegation sheet, Det. [REDACTED] identified Det. [REDACTED] Det. [REDACTED] and Officer [REDACTED] as the officers who were in a second patrol car and participated in the vehicle stop.

***Detectives [REDACTED] [REDACTED] and [REDACTED] [REDACTED] (Queens Narcotics) Witness Officers***

Detectives [REDACTED] [REDACTED] and [REDACTED] [REDACTED] were interviewed at the CCRB on March 28, 2007 and March 9, 2007 respectively (encl. 26 and 20). Det. [REDACTED] a 34-year-old black male, is 5'8" and 170 pounds. Det. [REDACTED] a 44-year-old black male, is 5'10" and 155 pounds. On August 23, 2006, Detectives [REDACTED] and [REDACTED] were both assigned to the "chase car." Det. [REDACTED] memo book reflects that he responded to the vicinity of 85<sup>th</sup> Drive and 75<sup>th</sup> Street regarding an arrest at 4:50 p.m. At 4:59 p.m., he responded to the 102<sup>nd</sup> Precinct stationhouse to process four arrests (encl. 19). Det. [REDACTED] testified that he received a radio transmission directing him to respond to the vicinity of 85<sup>th</sup> Drive and 75<sup>th</sup> Street. Det. [REDACTED] did not remember specifically what he was doing when he received this radio transmission or what information this transmission contained. When Det. [REDACTED] arrived, he saw unknown members of the field team and two young males standing outside of a car that was parked at the curb. Det. [REDACTED] did not recognize photographs of [REDACTED] and [REDACTED] [REDACTED] and had not seen them before he arrived at the scene and did not know why they were stopped. Det. [REDACTED] did not remember if any member of the field team frisked [REDACTED] or [REDACTED] [REDACTED] or searched their vehicle. Det. [REDACTED] did not do so either and did not remember what he did when he arrived at the location. Det. [REDACTED] remembered approaching the stopped vehicle but did not remember if he looked inside of the vehicle from outside. A female (Ms. [REDACTED]) was also present and she appeared to be agitated and was making statements that her sons hadn't done anything wrong and asked why the officers had stopped them. The officers told Ms. [REDACTED] to step back onto the curb and said that they would speak with her shortly. Three to four minutes later, the officers left the location and [REDACTED] and [REDACTED] [REDACTED] were released. The officers then responded to the stationhouse to process some arrests that Det. [REDACTED] believed had occurred after this vehicle stop, but Det. [REDACTED] was not present for these arrests. Det. [REDACTED] who since the date of this incident was transferred to the Viper Unit of the Bronx/Queens Housing Bureau had no recollection of this incident and did not recognize photographs of [REDACTED] and [REDACTED] [REDACTED] and Ms. [REDACTED]

***Detective [REDACTED] [REDACTED] and Police Officer [REDACTED] [REDACTED] (Queens Narcotics) Witness Officers***

Det. [REDACTED] [REDACTED] and Officer [REDACTED] [REDACTED] were both interviewed at the CCRB on March 9, 2007 (encl. 22 and 24). Det. [REDACTED] a 35-year-old black male, is 5-11 and 180 pounds. Officer [REDACTED] a 32-year-old white male, is 6'1" and 200 pounds. On August 23, 2006, Det. [REDACTED] and Officer [REDACTED] were both assigned to the prisoner van, which was a green minivan. Det. [REDACTED] memo book reflects that at he conducted a car stop at 4:50 p.m. at 85<sup>th</sup> Road and 75<sup>th</sup> Street (the location of [REDACTED] and [REDACTED] [REDACTED] home). At 5:00 p.m., Det. [REDACTED] noted that four arrests were made at an unspecified location (according to BADS, the location of the arrests was 85<sup>th</sup> Drive and 75<sup>th</sup> Street). Officer [REDACTED] memo book does not note a car stop but lists four arrests at 5:00 p.m. at 85<sup>th</sup> Road and 75<sup>th</sup> Street). The statements of Det. [REDACTED] and Officer [REDACTED] were consistent with each other with only inconsistencies noted below

Det. [REDACTED] testified that on August 23, 2006, he was conducting patrol within the confines of the 102<sup>nd</sup> Precinct. Sgt. [REDACTED] made a radio transmission requesting that the prisoner van respond to the vicinity of 85<sup>th</sup> Road and 75<sup>th</sup> Street. Det. [REDACTED] was far away from the location on Jamaica Avenue at an unknown cross street on patrol and by the time that he responded, it appeared that the officers on the scene had completed doing whatever it was that they had been doing. Sgt. [REDACTED] never said why he wanted the prisoner van to respond. When Det. [REDACTED] arrived at the scene, Sgt. [REDACTED] and the other members of the field team were walking back to their car. Sgt. [REDACTED] told Det. [REDACTED] to stop a dark colored older model vehicle that looked like a taxi one block away, but Sgt. [REDACTED] did not tell him why. Det. [REDACTED] remembered seeing Officer Granshaw but could not identify who else from the field team was present. As the officers were leaving, Det. [REDACTED] also saw a female and two to three young males present at the location. Viewing photographs of [REDACTED] [REDACTED] and [REDACTED] and [REDACTED] [REDACTED] Det. [REDACTED] said that Ms. [REDACTED] could have been the female that he observed standing in front of a house, but he did not recognize [REDACTED] and [REDACTED] [REDACTED] Det. [REDACTED] never saw any civilians inside of a car and did not observe

a vehicle search or any frisks. Ms. [REDACTED] appeared to have been talking with Sgt. [REDACTED] because he saw Sgt. [REDACTED] walking away from her. Det. [REDACTED] never actually saw Sgt. [REDACTED] and Ms. [REDACTED] speaking. When Det. [REDACTED] drove one block away to stop the livery taxi, other members of the field team had arrived first and had the vehicle stopped. These officers arrived first, because by the time that Det. [REDACTED] arrived at the first incident, the officers were already driving away. These officers placed the occupants under arrest and searched the vehicle. The occupants of the vehicle were arrested for possession of marijuana, but Det. [REDACTED] never observed the marijuana. When Det. [REDACTED] arrived, he saw these four people being handcuffed and placed inside of his prisoner van. Det. [REDACTED] did not know if there was any connection between the two incidents.

Officer [REDACTED] testified when Officer [REDACTED] arrived at the location, Sgt. [REDACTED] was inside of his vehicle and told Officer [REDACTED] that he believed that he had observed a drug transaction and described a black sedan vehicle and its occupants that he wanted stopped. Sgt. [REDACTED] said to Officer [REDACTED] "Keep your eyes open. I think these guys just hit someone off" meaning that they had just sold narcotics. Sgt. [REDACTED] told Officer [REDACTED] that if they spotted the vehicle they should observe and it see if the occupants made another drug transaction. Officer [REDACTED] never exited his vehicle at the first location and did not observe any civilians present. All of the officers from the field team had already gotten back into their vehicles, and Officer [REDACTED] did not observe or conduct a vehicle search or a frisk of any of the individuals. When Officer [REDACTED] responded to the second location, other members of the field team already had the occupants of vehicle in handcuffs. Officer [REDACTED] searched them again before placing them into the prisoner van.

#### ***Attempts to Contact Witnesses***

The CCRB was unable to get into contact with the four people arrested by Officer Granshaw after the vehicle stop and search of [REDACTED] and [REDACTED] [REDACTED] Ms. Irizarry, Mr. Rodriguez, Mr. [REDACTED] and Mr. Singh did not respond to please call letters sent to their homes. The CCRB searched the DMV database and LexisNexis in order to obtain additional contact information with negative results. [REDACTED] numbers could only be located for Ms. Irizarry and Mr. Rodriguez, but neither one responded to messages left with their mothers. Ms. Irizarry's mother stated that she is no longer in contact with her daughter.

#### **Tactical Plan**

A tactical plan for August 23, 2006, indicates that Det. [REDACTED] Officer Granshaw, and Sgt. [REDACTED] were assigned to a black Dodge together. Detectives [REDACTED] and [REDACTED] were assigned to the "chase car," a blue Dodge. Det. [REDACTED] and Officer [REDACTED] were assigned to the prisoner van, a green Dodge (encl. 27b).

#### **Stop, Question, and Frisk Report Index**

A search of the NYPD's computerized database of stop, question, and frisk reports revealed that no reports were filed for [REDACTED] or [REDACTED] [REDACTED] An index of all reports prepared in the precinct of occurrence on the date of this incident confirmed that no such report was prepared (encl. 28).

#### **Disposition of Criminal Charges Against Witnesses**

Mr. Rodriguez and Mr. Singh pled guilty to fifth-degree possession of marijuana and received six-month conditional discharges and were sentenced to conduct five days of community service. The charges against Ms. Irizarry and Mr. [REDACTED] were both adjourned in contemplation of dismissal (encl. 30)

#### **CCRB and Criminal Conviction History**

This complaint is the first that Ms. [REDACTED] [REDACTED] [REDACTED] and [REDACTED] [REDACTED] have filed with the CCRB (encl. 7). A search of the OCA database by name and date of birth revealed no know criminal convictions in New York State for them (encl. 31).

Officer Granshaw, a member of the service for five years, has no previously substantiated CCRB complaints (encl. 5). Sgt. [REDACTED] a police officer for fifteen years, has two previously substantiated CCRB complaints. In 9404761, the board substantiated allegations of physical force, threat of force, and discourtesy-word. The board did not make any recommendation for punishment in this case, and the NYPD found Sgt. [REDACTED] guilty and sentenced him to forfeit ten vacation days. In 9701974, the board substantiated an allegation that Sgt. [REDACTED] conducted an improper search of a person and recommended a

command discipline. The NYPD imposed a command discipline-B against Sgt. [REDACTED] after an OATH negotiation (encl. 6).

### **Conclusions and Recommendations**

#### **Police Officer Identification**

As the supervisor of this field team, Sgt. [REDACTED] acknowledged that the decision to stop and search [REDACTED] and [REDACTED] vehicle was his. The vehicle search was also pleaded against Officer Granshaw for two reasons. First, Sgt. [REDACTED] testified that his decision to search the vehicle was based on observations that Officer Granshaw relayed to Sgt. [REDACTED]. Second, based on the statements of [REDACTED] and [REDACTED], it appears that Officer Granshaw conducted an immediate search of the car before consulting with Sgt. [REDACTED] and receiving his authorization. [REDACTED] and [REDACTED] both testified that when [REDACTED] stated that his vehicle's registration was inside the glove compartment of the car, Officer Granshaw immediately went over to the car to retrieve it and searched inside at the same time. A more extensive search of the vehicle was later conducted. Officer Granshaw denied that he searched the vehicle and therefore gave no indication that he was searching it pursuant to Sgt. [REDACTED] authorization. Sgt. [REDACTED] acknowledged that he had his gun drawn (but not pointed) when he approached [REDACTED] and he was therefore identified as the subject of [REDACTED] allegation that Sgt. [REDACTED] in fact pointed his gun at him. Officer Granshaw admitted to exiting the patrol car and pointing his gun at the occupant, but Officer Granshaw believed that he had approached the passenger side where [REDACTED] was seated. [REDACTED] and Sgt. [REDACTED] all stated that Officer Granshaw approached the driver's side, where [REDACTED] was seated. In addition, [REDACTED] description of this officer (30-year-old white male, 5'10" with a muscular build and light blond or brown hair) is consistent with Officer Granshaw (26-year-old white male, 5'8" and 190 pounds). [REDACTED] and Ms. [REDACTED] did not allege that Officer Granshaw pointed his gun at [REDACTED]. As Officer Granshaw admitted to doing so—and it may have occurred without the complainants being able to see him doing so—this allegation was pleaded against Officer Granshaw. Officer Granshaw acknowledged that he frisked the same person who he approached with his gun drawn. [REDACTED] described conduct that amounted to a search of his person, which was also pleaded against Officer Granshaw. [REDACTED] said that after Sgt. [REDACTED] ordered him to exit the vehicle, a different officer frisked him. Sgt. [REDACTED] did not remember if he frisked [REDACTED] or another officer did so. [REDACTED] could only describe this officer as a black male with a skinny build and said that he would not be able to recognize him from a photograph. [REDACTED] believed that Sgt. [REDACTED] had conducted this frisk. Ms. [REDACTED] did not remember if Sgt. [REDACTED] or a second black male officer conducted this frisk. Ms. [REDACTED] could not describe this second black male officer in sufficient details to differentiate between the three black male officers working with Sgt. [REDACTED]. Therefore the frisk allegation was pleaded against "an officer."

#### **Assessment of Evidence and Determination of Fact**

The major issue in dispute in this case concerns the basis for the vehicle stop. [REDACTED] and [REDACTED] both denied that they had any contact with a third party while they briefly left their home to purchase lunch. Officer Granshaw and Sgt. [REDACTED] provided inconsistent testimony regarding exactly what they observed prior to the vehicle stop. Det. [REDACTED] who was also in the vehicle with them, did not have any recollection of this incident. The other officers from the field team were assigned to different vehicles and were not in position to be able to observe the initial interaction. Officer Granshaw claimed that he observed [REDACTED] and [REDACTED] going back and forth between a cell [REDACTED] and [REDACTED] on the street corner. Approximately ten minutes later, Officer Granshaw said that either [REDACTED] or [REDACTED] gave money and received an unknown object in exchange. Sgt. [REDACTED] provided a different account, saying that he saw an unidentified third person exit [REDACTED] vehicle and use a [REDACTED] while [REDACTED] and [REDACTED] remained inside. Sgt. [REDACTED] testified that he only saw a verbal interaction between [REDACTED] and [REDACTED] and the occupants of the Crown Victoria and could not see if any money or other items were exchanged. Furthermore, Sgt. [REDACTED] denied that at the time of this incident either Officer Granshaw or Det. [REDACTED] had indicated to him that they had seen an object exchanged for money. Officer Granshaw and Sgt. [REDACTED] also differed with respect to the impetus for the vehicle search. Officer Granshaw testified that while in pursuit of [REDACTED] vehicle, he observed [REDACTED] place an unknown object on the floor of the vehicle. Sgt. [REDACTED] did not observe this movement himself but testified that at the time of the incident, Officer Granshaw indicated that [REDACTED] was reaching towards the center console. Officer Granshaw was

overall not a credible witness, as he denied that he or any other officer had searched inside of the vehicle. Sgt. [REDACTED] admitted that he instructed Officer Granshaw to conduct a vehicle search and observed him doing so. [REDACTED] and [REDACTED] and Ms. [REDACTED] all testified that they observed Officer Granshaw searching inside of the vehicle. Overall, Sgt. [REDACTED] was forthcoming and credible in admitting that he had not observed a monetary exchange prior to conducting the vehicle stop and also admitting that he nonetheless authorized a vehicle search. There is no apparent flaws in the testimony of [REDACTED] and [REDACTED] and Ms. [REDACTED]. The extent of their involvement with the four people later arrested could not be corroborated, as those witnesses did not make themselves available to this investigation. The testimony of [REDACTED] and [REDACTED] and Ms. [REDACTED] with regards to the vehicle stop and search is generally corroborated by the testimony of Sgt. [REDACTED].

**Allegation A- Abuse of Authority: Sergeant [REDACTED] authorized the stop of the car in which [REDACTED] and [REDACTED] were occupants**

According to Barry Kamins's *New York Search and Seizure*, an officer can conduct a vehicle stop when he has a "reasonable suspicion" that its occupants have committed a crime. A police officer's finding of reasonable suspicion must be grounded in facts and information and cannot be based on a hunch that an occupant is "up to no good." The fact that a vehicle may appear to be "out of place in a neighborhood," a type of vehicle that is frequently stolen, a vehicle with out-of-state license plates, or a vehicle driven in a high crime area are not sufficient reasons to conduct a vehicle stop (encl. 1a-c). In explaining his basis for stopping [REDACTED] vehicle, Sgt. [REDACTED] did not articulate any conduct that would form a basis of "reasonable suspicion." Sgt. [REDACTED] did not allege that [REDACTED] committed a violation of the vehicle and traffic law and based his vehicle stop instead on a pattern of potentially innocuous behavior. Officer Granshaw's claim that he observed [REDACTED] or [REDACTED] exchange money for an unidentified object cannot be credited, because Officer Granshaw was not truthful regarding the vehicle search allegation. Sgt. [REDACTED] stated only that he observed a verbal interaction between [REDACTED] and [REDACTED]. Sgt. [REDACTED] specifically denied that he observed money exchanged or that Officer Granshaw had told him at the time of this incident that he had seen money exchanged. "We all saw the same thing," Sgt. [REDACTED] stated at his CCRB interview. Sgt. [REDACTED] further justified the vehicle stop on the basis that he observed [REDACTED] and [REDACTED] interact with people inside of a Crown Victoria. According to Sgt. [REDACTED] Crown Victorias driven in the neighborhood of this incident "usually" have narcotics traps. Crown Victorias are, of course, one of the most popular vehicles sold in [REDACTED] and are frequently used by taxi drivers and police officers among other people. As mentioned above, the fact that a vehicle is a brand associated with a particular crime is not reason enough to stop this vehicle. In addition, [REDACTED] and [REDACTED] were not in a Crown Victoria but are just alleged to have spoken with some people inside of one. Sgt. [REDACTED] had no particular basis for believing that this Crown Victoria had a narcotics trap. (If an officer is specifically trained in detecting narcotics traps and knows from his experience and training that a driver is making a series of seemingly unnecessary driving maneuvers in order to open a trap, he would have a basis for stopping the this car.) Sgt. [REDACTED] claim that Officer Granshaw told him that [REDACTED] was reaching towards the center console (or according to Officer Granshaw the floor of the vehicle) while the officers were in pursuit is not sufficient to create "reasonable suspicion." According to Kamins, if a vehicle occupant is "reaching under a seat, learning into the front seat, or looking back and forth," this conduct alone is not sufficient to create reasonable suspicion, because such conduct is "susceptible to innocent interpretations" (encl. 1d).

Granted that Sgt. [REDACTED] unlawfully stopped [REDACTED] vehicle, it is necessary to determine whether he acted in bad faith. In *PD v. Dowd* (OATH 1189/90), the administrative court defined the perimeters for evaluating what constitutes a bad faith search or seizure for which officers can be punished:

An improper search or seizure is punishable misconduct if the officer acted with knowledge that he was acting improperly, acted without concern for the propriety of his actions, or acted without due and reasonable care that his actions be proper (encl. 2b).

The judge noted that certain areas of Fourth Amendment case law vex lawyers and judges and that it is "hardly fair to punish for misconduct a police officer who has similar difficulty in the far faster-moving circumstances of the street" (encl. 2b). At the same time, the court stated that "an officer is charged to know the law governing searches and seizures, at least to the extent that the law is clear enough to be free

from fair dispute about its applicability and meaning. Failure to act in accordance with clear law will generally involve fault” (encl. 2c). As a veteran police officer assigned a narcotics command who was since promoted to lieutenant and assigned as an integrity control officer, Sgt. [REDACTED] should have known under what circumstances he could lawfully conduct a vehicle stop. As Sgt. [REDACTED] unlawfully stopped [REDACTED] vehicle and acted in bad faith, it is recommended that **allegation A** be closed as **substantiated**.

**Allegation B- Force: Sergeant [REDACTED] pointed his gun at [REDACTED]**

**Allegation C- Force: Police Officer Michael Granshaw pointed his gun at [REDACTED]**

According to Kamins, New York State courts have determined that it is reasonable for officers to approach a car containing drug suspects with their guns drawn, because drug dealers are frequently armed (encl. 1e). According to *PD v. Gliner*, an officer can also point his gun at another person in the same circumstances as when he can draw his weapon: when he has a “reasonable fear” for his safety (encl. 3b-c). In this case, Officer Granshaw and Sgt. [REDACTED] both admitted that they drew their weapons upon exiting the patrol car. Officer Granshaw admitted to pointing his weapon at [REDACTED] Sgt. [REDACTED] denied that he pointed his weapon at [REDACTED] but rather stated that he had it pointed towards the ground at a 45-degree angle. Although this investigation determined that Sgt. [REDACTED] did not in fact have a “reasonable basis” for stopping [REDACTED] and [REDACTED] it would have been reasonable for Officer Granshaw and Sgt. [REDACTED] acting in the heat of the moment to fear for their safety while conducting this car stop. The preponderance of the evidence suggests that both officers had their weapons pointed and were justified in doing so. It is therefore recommended that **allegations B and C** be closed as **exonerated**.

**Allegation D- Abuse of Authority: An officer frisked [REDACTED]**

**Allegation E- Abuse of Authority: Police Officer Michael Granshaw frisked [REDACTED]**

Upon approaching a stopped vehicle, an officer is entitled to order the occupants to exit as a self-protective measure. Once the occupants are standing outside of the vehicle, an officer can frisk them when he “has a reasonable basis for suspecting that the individual is armed and dangerous.” If an occupant is suspected of having committed a “violent crime” that “belief may justify a frisk” (encl. 1g). As discussed in the analysis of the guns pointed allegation, officers are granted wide latitude in taking protective action during felony car stops and New York Courts have recognized that drug suspects are frequently armed (encl. 1e). While the stop of [REDACTED] vehicle was not justified, the preponderance of the evidence suggests that at the time of this incident, Officer Granshaw and an unidentified officer believed that [REDACTED] and [REDACTED] were drug suspects and could be armed and dangerous. It is therefore recommended that **allegations D and E** be closed as **exonerated**.

**Allegation F- Abuse of Authority: Police Officer Michael Granshaw searched [REDACTED]**

While conducting a lawful frisk, an officer is permitted to feel the exterior clothing of a suspect with the sole intention of protecting his own safety and ensuring that this person does not have a weapon. A search of a person is only permitted if a frisk reveals that this person may have a weapon (PG 212-11, encl. 4). [REDACTED] provided a detailed description of Officer Granshaw’s frisk and said that after frisking him, Officer Granshaw pulled on the elastic of his shorts to see if he had anything stuffed inside of his shorts. Given the nature of the vehicle stop and that Officer Granshaw had already frisked [REDACTED] Officer Granshaw was clearly searching for narcotics in [REDACTED] waistband. There is no weapon that could have been stored in this location that wouldn’t have been revealed by a frisk. Even if Officer Granshaw had frisked [REDACTED] and felt what he knew to be drugs, this search of [REDACTED] would not have been justified. The New York Court of Appeals has rejected a “plain touch” doctrine and has stated that an officer cannot search for an item during a lawful frisk that he knows is *not* a gun, e.g. narcotics (Kamins, 11). Although Officer Granshaw denied that he conducted anything beyond a simple frisk of [REDACTED] he proved himself highly incredible by denying that he searched the vehicle. The preponderance of the evidence therefore suggests that Officer Granshaw conducted an illegal search of [REDACTED] person for narcotics. It is therefore recommended that **allegation F** be closed as **substantiated**.

**Allegation G- Abuse of Authority: Police Officer Michael Granshaw searched the car in which [REDACTED] [REDACTED] and [REDACTED] [REDACTED] were occupants**

**Allegation H- Abuse of Authority: Sergeant [REDACTED] [REDACTED] authorized the search of the car in which [REDACTED] [REDACTED] and [REDACTED] [REDACTED] were occupants**

[REDACTED] [REDACTED] stated that he granted an unidentified officer consent to search the trunk of his vehicle only after Officer Granshaw had already started searching the vehicle. Sgt. [REDACTED] did not attempt to justify the vehicle search based on consent. Sgt. [REDACTED] stated that he authorized the vehicle search mainly based on Officer Granshaw's observation that [REDACTED] [REDACTED] was reaching for the center console while the officers were pursuing him. As mentioned in the analysis of allegation A, such an observation does not provide an officer with "reasonable suspicion" to stop a vehicle and would therefore not meet the more stringent standard of "probable cause" needed to search a vehicle (encl. 1h). Only when Sgt. [REDACTED] was specifically asked why he authorized the vehicle search did he volunteer that he also observed a "faint smell of marijuana" emanating from the car. Sgt. [REDACTED] admitted that the odor was so faint that he could not even state with certainty that anyone had recently smoked within the car. Officer Granshaw, who searched inside the car but did not admit to doing so, did not mention smelling marijuana at any point. Sgt. [REDACTED] claim is not corroborated by any of the other officers or civilians, and Sgt. [REDACTED] admitted himself that the smell was not strong enough for him to believe that there were actually narcotics inside the vehicle at the time that it was searched. Such an observation, even if this investigation were to credit it, would not likely constitute probable cause. The preponderance of the evidence suggests that Officer Granshaw conducted an unauthorized search by looking through the glove compartment for the vehicle's registration before Sgt. [REDACTED] authorized a more extensive search of the vehicle. Sgt. [REDACTED] other stated justifications for searching the vehicle were inadequate, and based on his training and experience, he should have known better and therefore acted in bad faith. By denying that he searched the vehicle at his CCRB interview, Officer Granshaw demonstrated that he knew he acted in bad faith at the time of this incident. It is therefore recommended that **allegations G and H** be closed as **substantiated**.

**Allegation I- Other Misconduct Noted: Sergeant [REDACTED] [REDACTED] failed to prepare a stop and frisk report as required**

Patrol Guide procedure 212-11 mandates that officers complete a stop and frisk report and make a memo book entry each time someone is stopped and/or frisked (encl. 4). Sgt. [REDACTED] stated that he did not complete a stop, question, and frisk report or instruct one of his officers to do so, because the frisks of [REDACTED] and [REDACTED] [REDACTED] occurred during the course of a vehicle stop. While it is true that a stop and frisk report is not required for a vehicle stop, [REDACTED] and [REDACTED] [REDACTED] were removed from the vehicle and frisked independently of the vehicle stop. In this case, a record of the frisk was required. Sgt. [REDACTED] stated he did not maintain a daily activity report or memo book at the time of this incident. None of the other officers made any entries in their memo books regarding the stop or frisk of [REDACTED] and [REDACTED] [REDACTED] and only noted the subsequent arrests of four other people based on a separate vehicle stop. It is therefore recommended that **other misconduct** be noted for **allegation I**.

Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: